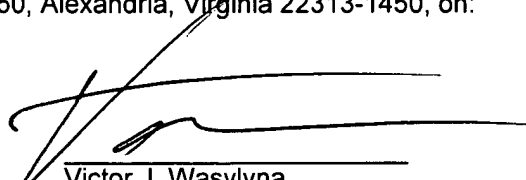


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Victor J. Wasylina  
Reg. No. 52,345

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicants : Amburgey et al.  
Assignee : Lexmark International, Inc.  
Serial No. : 10/790,328  
Filed : March 1, 2004  
Title : APPARATUS AND METHOD REGARDING DYNAMIC ICONS ON A GRAPHICAL USER INTERFACE  
Docket : 2003-0688.01  
Examiner : Gregory A. DiStefano  
Art Unit : 2176

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Sir:

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

This request for pre-appeal brief review is filed in response to the final Office action mailed on August 13, 2007 and the advisory action mailed on October 29, 2007 and is accompanied by a notice of appeal, a petition for extension of time and the required fee (\$630.00). Claims 1-6 and 8-13 are currently pending and have been finally rejected. Applicants respectfully submit that the rejections of record are based upon factual and legal errors and, therefore, are clearly improper and without basis.

The pending claims of the present application are directed to a network of multifunctional printers, wherein customized icon configuration files for a plurality of users are stored on a central computer and accessible at any one of the multifunctional printers in the network. Therefore, a specific user may log onto any multifunctional printer in the network and be presented with a customized arrangement of icons specific to that user.

Claim 1 stands rejected under 35 U.S.C. § 103(a) based upon a combination of (1) Jim Boyce, *Windows® XP Power Tools* 9, 631 and 664-65 (Pete Gaughan & Pat Coleman eds., Sybex, 2002) (the “Boyce reference”) and (2) U.S. Patent No. 5,752,075 to Kikinis (the “Kikinis reference”). The Boyce and Kikinis references are discussed in turn below prior to addressing the factual and legal errors stemming from their combination.

The Boyce reference discloses roaming user profiles available with the Microsoft® Windows® XP operating system. (Boyce, p. 9.) In particular, the Boyce reference discloses an operating system that stores a user profile on a network server. (*Id.*) A “user profile” is defined as “a collection of folders and data that make up the majority of a user’s working environment.” (*Id.*)

Thus, the Boyce reference discloses the concept of logging onto a specific computer connected to the network and copying a user’s profile onto the specific computer from a network server. However, the Boyce reference makes no mention of a plurality of multifunctional printers connected to a network. This factual shortcoming of the Boyce reference is not disputed by the Examiner.

The Kikinis reference discloses an integrated electronic device including a computer, a scanner and a printer housed in a single enclosure. All of the control tasks for the integrated electronic device are performed by a single integral processor.

Thus, the Kikinis reference discloses a printer integrated with a computer and a scanner. However, like the Boyce reference, the Kikinis reference makes no mention of a plurality of multifunctional printers connected to a network.

In the advisory action mailed on October 29, 2007, the Examiner argues that the Kikinis reference teaches a plurality of multifunctional printers connected to a network because the Kikinis reference teaches an integrated electronic device including a network adapter at col. 8, ll. 29-33. This argument is not supported by the disclosure of the Kikinis reference and, therefore,

is clear factual error. A printing device provided with a network adapter does not necessarily result in a plurality of printing devices connected to a network. Indeed, the network adapter may be used for any number of reasons other than connecting the printing device to other printing devices. For example, the network adapter may be used for connecting the printing device to a desktop computer or some other electronic device. Certainly, the Kikinis reference does not specify that the network adapter is for connecting the disclosed printing device to a plurality of multifunctional printers. Therefore, such a purpose cannot be presumed for the purpose of advancing rejections under § 103(a).

Accordingly, it is submitted that the Boyce and Kikinis references, whether taken alone or in combination, fail to teach a plurality of multifunctional printers coupled to a central computer, as required by the pending claims of the present patent application.

A basic requirement for establishing a *prima facie* case of obviousness is that “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (MPEP § 2143.) None of the references in the Examiner’s proposed combination teach or suggest a plurality of multifunctional printers connected to a network and, therefore, the Examiner’s proposed combination of the Boyce and Kikinis references cannot, as a matter of law, properly establish a *prima facie* case of obviousness. Withdrawal of the rejection of claim 1 under § 103(a) is respectfully requested.

Claims 2-6 and 8-13 stand rejected under 35 U.S.C. § 103(a) based upon a combination of (1) the Boyce reference, (2) the Kikinis reference and (3) *How to Use Microsoft® Windows® XP* 6, 7, 10-12, 26, 27, 62, 66, 67, 125 and 127-129 (Sams Publishing, 2002) (the “Sams reference”).

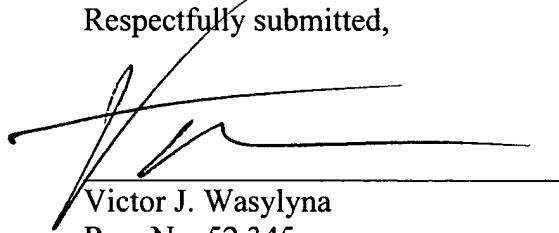
The Sams reference, like the Boyce and Kikinis references, makes no mention of a plurality of multifunctional printers connected to a network. Indeed, the Examiner does not dispute that the Sams reference fails to teach a plurality of multifunctional printers connected to a network. Therefore, for the reasons expressed above, withdrawal of the rejections of claims 2-6 and 8-13 under § 103(a) is respectfully requested.

Accordingly, the rejections of claims 1-6 and 8-13 are based upon combinations of references that fail to teach “a plurality of multifunctional printers coupled to [a] central computer,” as expressly required by the pending claims of the present application. As such, the

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rejections of claims 1-6 and 8-13 are legally improper. Prompt and favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Victor J. Wasylyna', is written over a horizontal line.

Victor J. Wasylyna  
Reg. No. 52,345

THOMPSON HINE LLP  
Post Office Box 8801  
Dayton, Ohio 45401-8801  
Phone: (937) 443-6812  
E-mail: [IPGroup@ThompsonHine.com](mailto:IPGroup@ThompsonHine.com)

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